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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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George C. Schedivy

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F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY, NY 11797

EXAMINER

LARSON, JUSTIN MATTHEW

ART UNIT

PAPER NUMBER

3782

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/705,291	Applicant(s) SCHEDIVY, GEORGE C.	
	Examiner JUSTIN M. LARSON	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/26/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-22, 24, 25, 29-32, 34-37, 45, 46 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24, 25, 29-32, 34-37, 45, 46 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 20-22, 24, 25, 29-32, 34-37, 45, 46, and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claims 20, 37, and 50 now recite that a height of the wedge is "substantially less" than a height of the housing. While original Figure 11C shows the wedge having a height less than the housing, the metes and bounds of the term "substantially less" are not clearly set forth in the originally filed disclosure and it is therefore unclear just what range of height difference is considered to be "substantially less". Examiner feels that this limitation should simply read "less".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20-22, 24, 25, 29-31, 34-37, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (US 6,380,978 B1) in view of Leyden et al. (US 6,371,345 B1) and Yoshioka (JP 06197245 A), and further in view of Hsu (US 6,994,236 B2).

Regarding claim 37, the video system of Adams et al. comprises a display (14), a media source (26) coupled to the display, and a housing (12) suspended at a rear of a vehicle seat, wherein the housing includes a cavity to receive an entertainment unit (10) in the housing and suspend the entertainment unit from the seat and the housing is capable of being fixed to different positions using a mounting mechanism that includes a wedge (see Figure 2A) positioned between the vehicle seat and the housing.

Adams et al. fail to disclose the mounting mechanism including at least one mounting post positioned between the seat and the housing where one end of the post is attached to a headrest post of the vehicle seat via a bracket including a ring and the other end of the post is attached to the housing via a moveable ball joint. Instead, the mounting mechanism of Adams et al. includes a flap of material attached to an upper end of the housing where the flap of material has two holes for mounting about the two posts of a vehicle seat headrest as shown in Figure 2A. Adams et al. also fail to disclose a height of the wedge being substantially less than a height of the housing.

Regarding the mounting mechanism, Leyden et al. teach that it is desirable to moveably attach (col. 1 lines 20-25) an entertainment device (O) within a vehicle using a mounting mechanism that includes a post (14) having one end attached to a mounting surface in a vehicle and the other end attached to the entertainment device via a moveable ball joint (12/28). Similarly, Yoshioka discloses a device housing (3) suspended from the posts of a vehicle seat headrest via at least one mounting post (2), where the mounting post is secured about the headrest posts via a bracket that includes a ring (1a/4a), the ring having a circumference (formed by inner surfaces of 1a/4a) that

is larger than a circumference of the headrest posts to permit free movement of the ring around the posts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace with flap mounting mechanism of Adams et al. with a post mounting mechanism, as motivated by both Leyden et al. and Yoshioka, where one end of the post is moveably attached to the housing of Adams et al. via a ball joint, as taught by Leyden et al., and the other end of the post is attached via a bracket with a ring to the posts of a headrest, as taught by Yoshioka, in order to provide a mounting mechanism that allows the position of the entertainment device to be adjusted to a greater degree (via the ball joint).

Regarding the wedge, Hsu also discloses a support (31/33) and an adjustable wedge (34/37) positioned between a video system and a seat that allows a user to adjust the viewing angle of the video system (abstract) and teaches that the wedge has a height that is substantially less than the housing (51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the wedge of Adams et al. with a support and adjustable wedge having a height substantially less than the housing so that a user would be able to easily adjust the viewing angle of the video system, as taught by Hsu.

Regarding claim 20, the modified Adams et al. video system comprises an entertainment unit (10) comprising a display (14) and a media source (26), a housing (12) attached via a ball joint to at least one rigid member (mounting post) coupled via a bracket/ring to at least one headrest support member of a seat in a vehicle and suspended at a rear of the seat, wherein the housing includes a cavity to temporarily

receive the entertainment unit (10) in the housing (12) and suspend the entertainment unit from the seat, and a wedge positioned between the seat and the housing, wherein the wedge is capable of being locked into a plurality of positions along the y-axis. Note that the DVD player (10) and its internal components could be removed from the outer casing (12) if one so desired.

Regarding claim 21, the bracket ring (1a/4a) of the modified Adams et al. video system opens and closes (via 5/6 as taught by Yoshioka) to allow placement of the ring around the headrest support member without removing the headrest from the seat.

Regarding claim 22, the bracket of the modified Adams et al. video system is in the shape of a ring as it wraps around the headrest supports and includes a locking mechanism (5/6), as taught by Yoshioka.

Regarding claims 24 and 45, the mounting post of the modified Adams et al. video system would be capable of being fixed in a plurality of positions along at least one of the x-axis, the y-axis, and the z-axis.

Regarding claims 25 and 46, the mounting post implemented on the Adams et al. video system, as taught by Yoshioka, is fixed using a locking nut (6).

Regarding claim 29, materials can either be bendable or unbendable. Therefore, the housing of the modified Adams et al. video system must be one of the two.

Regarding claim 30, the housing of the modified Adams et al. video system includes an opening (DVD slot) that provides access to the media source.

Regarding claim 31, the housing of the modified Adams et al. video system includes an opening for allowing a view of the display.

Regarding claim 34, the modified Adams et al. video system is shown to have a power port (Figure 2A, Adams).

Regarding claim 35, the media source of the modified Adams et al. video system is slot-type.

Regarding claim 36, the media source of the modified Adams et al. video system includes a DVD player (10).

5. Claims 32 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al., in view of Leyden et al., Yoshioka, and Hsu as applied above, further in view of Meritt (US 6,216,927 B1).

The video system of Adams et al. includes the claimed features except for the housing being formed in substantially a U-shape having an open side through which the entertainment unit is inserted or removed. Meritt, however, discloses a similar video system suspended at the rear of a vehicle seat and teaches that a housing is substantially U-shaped having an open side through which the entertainment unit is inserted or removed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a housing like that taught by Meritt with the video system of Adams et al., where the housing would be attached to the vehicle seat and the entire entertainment device (10/12/14/26) would be removably stored within the housing such that the device could be easily removed from the housing for use outside the vehicle.

Response to Arguments

6. Applicant's arguments filed 5/26/09 have been fully considered but they are not persuasive. Applicant has asserted that the modified Adams video system fails to include a height of the wedge being substantially less than a height of the housing. Examiner notes that Hsu is relied on for the wedge details of the modified Adams video system. In a different interpretation than before, Examiner is now considering element (34/37) of Hsu to be the claimed wedge, where this element clearly has a height that is substantially less than a height of the housing (See Hsu, Figure 6). Examiner notes that one accepted definition of the word "wedge" reads, "something that serves to part, split, divide" (www.dictionary.com). This element (34/37) of Hsu satisfies this definition and can be considered a wedge as claimed. Examiner notes that in the previous interpretation of Hsu, where the wedge was taken to be element (3 as a whole), a mere change in size of the wedge would satisfy the claim limitations as currently presented. Examiner notes that the hook and loop fasteners (32) of the wedge do not even extend the full length of wedge plate (33), as shown in Hsu Figure 5), supporting the idea that the wedge could be shortened so as to have a height substantially less than a height of the housing.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN M. LARSON whose telephone number is (571)272-8649. The examiner can normally be reached on Monday-Friday, 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin M Larson/
Examiner, Art Unit 3782
7/22/09

/Nathan J. Newhouse/
Supervisory Patent Examiner, Art Unit 3782